IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 18497 of 2004

Between:

1 Gurjala Peeramma W/o Late balaraj
r/o H. No. 14-1-88/25, Allapur Village Balanagar Revenue Mandal, Ranga Reddy District
2 Gurjala Satyamma D/o Late balaraj
r/o H. No. 14-1-88/25, Allapur Village Balanagar Revenue Mandal, Ranga Reddy District
3 Kodicharla Rajamma W/o late K. Ramaiah
R/o H. No. 14-1-88/25, Allapur Village Balanagar Revenue Mandal, Ranga Reddy District
4 Kodicharla Krishna S/o K. Ramaiah
R/o H. No. 14-1-88/25, Allapur Village Balanagar Revenue Mandal, Ranga Reddy District

..... PETITIONERS

AND

The Mandal Revenue Officer, Balanagar Mandal, Ranga Reddy District
Office near Ritu bazar KPHB Colony, Hyderabad

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, direction or order specially in the nature of Mandamus declaring the two memos dated 15/04/2004 and 01/09/2004 issued by the respondent as arbitrary, illegal without following due process of law and in violation of the principles of natural justice and consequently direct the respondent to decide the petitioners' representations dated 20/12/2002 in regard to issuance of protected tenancy certificate and pattadar pass book in the land admeasuring 4 Acres, 17 Guntas, in Sy. No. 18 situated at Allapur Village, Balanagar Mandal, Ranga Reddy District after giving an opportunity of being heard to the petitioners and issue any other writ or

directions in the nature of Writ as this Hon'ble Court fit in the circumstances of the case.

Counsel for the Petitioner: SMT.C.JAYASREE SARATHY,Advocate.

Counsel for the Respondent: Govt. Pleader for REVENUE

The Court made the following:

Oral Order:

Heard the learned counsel for the petitioners and also learned Government Pleader for Revenue. Both the counsel have argued and requested for disposal of main writ petition itself.

Petitioners' representation dated 20-12-2002 is only for issuance of Pattadar Pass Book and Title Deeds under the provisions of A.P. Rights in Land and Pattadar Pass Book Act, 1971 (for short 'the Act') basing upon their possession. Petitioners' earlier writ petition was dismissed at the admission stage and against which 1st petitioner carried the matter in W.A.No.1929 of 2003 which was disposed of by this Court directing the respondents to consider the representation said to have been made by the appellant therein in accordance with law subject to the condition that appellant withdrawing A.S.No.2145 of 2001 and submit a copy of withdrawal before the M.R.O., Balanagar. On disposal of the writ appeal the M.R.O., Balanagar by the impugned memo dated 15-04-2004 dismissed the claim of the petitioners holding that the petitioners' request to declare them as protected tenants over the Government land does not arise. Since the petitioners' claim is only for issuance of Pattadar Pass Books and Title Deeds, necessary reasons have to be recorded by the MRO in the impugned order.

In view of the same, the impugned order dated 15-04-2004 is set aside and the MRO is hereby directed to give an opportunity to the petitioners to explain their claim, if any, and then pass a speaking order within a period of four months from the date of receipt of this order.

The writ petition is accordingly allowed. No costs.

_____ A.GOPAL REDDY, J.

11-10-2004

Note: Issue CC in three days.

(bo)

Murthy

ASSISTANT REGISTRAR

//TRUE COPY//

SECTIION OFFICER

To

1. The Mandal Revenue Officer, Balanagar Mandal, Ranga Reddy District
   Office near Ritu bazar KPHB Colony, Hyderabad

2. Two CCs to the Govt. Pleader for Revenue, High Court Buildigns,Hyderabad(out)

3. Two CD copies.